

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

J. AUGUSTO BASTIDAS, M.D.,

No. CV 13-4388 SI

Plaintiff,

**ORDER DENYING AS MOOT
DEFENDANTS' MOTIONS TO DISMISS**

v.

GOOD SAMARITAN HOSPITAL LP, a
Delaware Limited Partnership; SAMARITAN
LLC, a Delaware limited liability company;
GOOD SAMARITAN HOSPITAL MEDICAL
STAFF, a California unincorporated association;
HCA, INC., a Delaware corporation; STEVEN
M. SCHWARTZ, M.D.; and BRUCE G.
WILBUR, M.D.,

Defendants.

A motion to dismiss plaintiff's complaint has been filed by defendants Good Samaritan Hospital LP, Samaritan LLC, Good Samaritan Hospital Medical Staff, Steven M. Schwartz, and Bruce G. Wilbur, and a motion to dismiss has been filed by defendant HCA, Inc.; both motions are scheduled for hearing on January 24, 2013. Pursuant to Civil Local Rule 7-1(b), the Court determines that these matters are appropriate for resolution without oral argument and VACATES the hearing.

On December 23, 2013, plaintiff filed a first amended complaint under Federal Rule of Civil Procedure 15(a)(1)(B), mooted defendants' motions to dismiss. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) ("[A]fter amendment the original pleading no longer performs any function and is 'treated thereafter as non-existent.'"). Accordingly, the Court DENIES as moot the defendants' motions to dismiss. Docket Nos. 24-25.

IT IS SO ORDERED.

Dated: January 13, 2014



SUSAN ILLSTON
United States District Judge